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Western District of Oklahoma
M-21-209-STE

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FILED

U.S. MAGISTRATE JUDGE

Date: 8-19-2020

Time: 12:33PM

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj -730-VCF

Plaintiff,

CRIMINAL COMPLAINT

v.

VIOLATION

Deported Alien Found in the United States
(8 U.S.C. § 1326(a) and (b))

JESUS MAGANA-ROJAS,
a.k.a. "Jesus Rojas-Loza,"
a.k.a. "Jesus Rojas-Losa,"
a.k.a. "Jesus Marino-Rojas,"
a.k.a. "Jesus Marana-Roja,"

Defendant.

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
Complainant, being duly sworn, deposes and states:

COUNT ONE

*Deported Alien Found in the United States
(8 U.S.C. §1326(a) and (b))*

On or about March 8, 2020, in the District of Nevada,

JESUS MAGANA-ROJAS,
a.k.a. "Jesus Rojas-Loza,"
a.k.a. "Jesus Rojas-Losa,"
a.k.a. "Jesus Marino-Rojas,"
a.k.a. "Jesus Marana-Roja,"

1 defendant herein, an alien, was found in the United States after having been deported and
2 removed therefrom on or about: August 23, 2012, September 7, 2012, February 27, 2013,
3 April 7, 2013, September 1, 2016, September 17, 2016, and December 15, 2018; having
4 reentered and remained in the United States, and not having obtained the express consent of
5 the Attorney General of the United States or the Secretary of Homeland Security to reapply
6 for admission to the United States, in violation of 8 U.S.C. § 1326(a) and (b).

7 **PROBABLE CAUSE**

8 I, Robert J. Abella, being duly sworn, do hereby depose and say:

9 1. I have been employed with the United States Department of Homeland
10 Security ("DHS"), Immigration and Customs Enforcement ("ICE"), as a Deportation
11 Officer ("DO") since April 2003. I am currently assigned as a DO to the Las Vegas Office's
12 Violent Criminal Alien Section ("VCAS"). In this capacity, I investigate and process a
13 range of immigration related offenses mainly focusing on obtaining federal prosecutions
14 and indictments for violent criminal aliens, such as violations of 8 U.S.C. §§ 1325 and
15 1326.

16 2. This affidavit is made in support of a criminal complaint against JESUS
17 MAGANA-ROJAS ("MAGANA" or "defendant"), also known as "Jesus Rojas-Loza,"
18 "Jesus Rojas-Losa," "Jesus Marino-Rojas," "Jesus Marana-Roja," for a violation of 8
19 U.S.C. § 1326(a) and (b), Deported Alien Found in the United States. The information
20 contained in this affidavit is based on my own personal investigation and information
21 communicated to me by other law enforcement officers with personal knowledge of facts
22 relevant to this investigation. The affidavit is intended to show that there is probable cause
23 for the requested complaint and does not purport to set forth all of my knowledge of, or
24 investigation into, this matter.

1 3. On March 8, 2020, Defendant was encountered at the Clark County
2 Detention Center in Las Vegas, Nevada, by DO Mosley. Records indicated that Defendant
3 is a citizen and national of Mexico, by virtue of birth, who was previously removed from the
4 United States. Defendant was not in possession of valid immigration documents allowing
5 him to be present or remain in the United States. An immigration detainer, ICE Form I-247,
6 was lodged against him with the Clark County Detention Center on March 8, 2020.

7 4. On or about May 13, 2020, I reviewed printouts from the National Crime
8 Information Center ("NCIC") and the Treasury Enforcement Communications System
9 ("TECS") relating to Defendant. Based on my training and experience, I know that the
10 NCIC and the TECS databases contain records of arrests and convictions of individuals
11 based on those individuals' Federal Bureau of Investigation ("FBI") number. I also know
12 that an FBI number is assigned based on unique fingerprint characteristics, and that police
13 departments routinely fingerprint each person who is booked into custody for identification
14 purposes and inclusion into criminal history databases.

15 5. A query of Defendant's automated criminal history confirmed that he had
16 been convicted of the following felonies prior to his most recent removal, which subject him
17 to the heightened penalty provisions of 8 U.S.C. § 1326(b):

18 a. On or about January 29, 2013, defendant was convicted in the
19 Superior Court of Arizona, Yuma County, in case number S1400CR201201042, of felony
20 Attempt to Take Identity of Another Person, in violation of Arizona Revised Statute 13-
21 2008.

22 b. On or about May 17, 2016, defendant was convicted in the Seventh
23 District Court of Utah, Emery County, in case number 16170038, of felony Attempt to
24

1 Possess Controlled Substance with Intent to Distribute (Methamphetamine), in violation of
2 Utah Code Section 58-37-8(1)(a)(iii).

3 c. On or about August 3, 2016, defendant was convicted in the United
4 States District Court for the District of Utah, in case number 2:16-CR-259-RJS, of felony
5 Deported Alien Found in the United States, a violation of 8 U.S.C. § 1326.

6 6. On May 13, 2020, I obtained the DHS Administrative File (“A-File”) for the
7 subject assigned Alien Registration Number A 205 151 220, whose name of record is “Jesus
8 Magana-Rojas” (hereinafter, the “Magana A-File”). Based on my training and experience, I
9 know that a DHS A-File is a file maintained by DHS in which immigration records are
10 maintained for an alien admitted to, or found in, the United States. I also know that a DHS
11 A-File usually contains photographs, fingerprints, court records of conviction, and all
12 records relating to deportation or other actions by DHS – or its predecessor, the
13 Immigration and Naturalization Service (“INS”) – with respect to the subject alien for
14 whom the DHS A-File is maintained. As discussed in more detail below, my review of the
15 Magana A-File confirmed that this A-File corresponds with Defendant.

16 7. The Magana A-File contained the following documents and information,
17 among other things, regarding defendant’s immigration status:

18 a. Executed Warrants of Removal/Deportation (ICE Form I-205)
19 indicating that Defendant was officially removed and deported from the United States to
20 Mexico on or about: February 27, 2013, April 7, 2013, September 1, 2016, September 17,
21 2016, and December 15, 2018.

22 b. Executed Alien Notice/Departure Verifications (ICE Form I-296)
23 indicating that Defendant was officially removed and deported from the United States to
24 Mexico on or about August 23, 2012, and September 7, 2012.

1 c. I know from my training and experience that either a Warrant of
2 Removal / Deportation (ICE Form I-205) or an Alien Notice/Departure Verifications
3 (ICE Form I-296) is executed each time a subject alien is removed from the United States
4 by ICE (and in the past by its predecessor agency, the INS) and usually contains the
5 subject's photograph, signature, and fingerprints. The five executed Warrants of Removal /
6 Deportation and two Alien Notice/Departure Verifications referenced above that I found
7 in the Magana A-File contain the defendant's photograph, signature, and fingerprints.

8 d. Various other documents indicating that MAGANA is a native and
9 citizen of Mexico. These documents included: (i) Records of Deportable / Inadmissible
10 Alien (Form I-213), dated: August 10, 2012, August 13, 2012, August 30, 2012, September
11 25, 2012, May 19, 2016, August 8, 2016, September 16, 2016, December 14, 2018, which
12 states that Defendant is a native and citizen of Mexico; (ii) sworn statements by
13 MAGANA, executed on August 14, 2012, August 31, 2012, May 19, 2016, and December
14 6, 2018, in which Magana stated that he was born in Mexico; and (iii) numerous photos in
15 Magana's A-File associated with MAGANA's prior removals which appear to all be the
16 same individual.

17 e. The Magana A-File also contained documents related to Defendant's
18 criminal convictions described above in Paragraph 5.

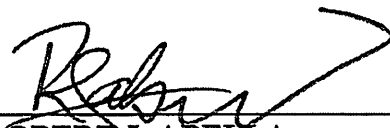
19 8. On or about May 13, 2020, I reviewed certain printouts of ICE computer
20 indices contained in the Magana A-File. Based on my training and experience, I know that
21 ICE computer indices track and document each time an alien has been deported from the
22 United States by ICE (or previously by the INS) or was granted permission to enter or re-
23 enter the United States. The ICE computer indices confirmed that Defendant had been
24 removed and deported on or about the dates indicated on the Warrants of Removal /

1 Deportation (ICE Form I-205) or the Alien Notice/Departure Verifications (ICE Form I-
2 296) found in the Magana A-File: August 23, 2012, September 7, 2012, February 27, 2013,
3 April 7, 2013, September 1, 2016, September 17, 2016, and December 15, 2018.

4 9. Based on my review of the Magana A-File, I determined that it does not
5 contain any record of him ever having received permission from the Attorney General or his
6 designated successor, the Secretary of Homeland Security, to legally re-enter the United
7 States. Based on my training and experience, I know that such documentation is required to
8 re-enter the United States legally after deportation and that, if such documentation existed,
9 it would ordinarily be found in the Magana A-File.

10 10. Based on my training, experience, and review of the contents of the Magana
11 A-File, in particular Defendant's sworn statements, the Alien Notice/Departure
12 Verifications, and the Warrants of Removal/Deportation, all of which indicate that
13 MAGANA had been deported to Mexico, I determined that MAGANA is an alien – that is,
14 a citizen of Mexico.

15 11. Based on the above, I believe there is probable cause that JESUS MAGANA-
16 ROJAS, also known as "Jesus Rojas-Loza," "Jesus Rojas-Losa," "Jesus Marino-Rojas,"
17 "Jesus Marana-Roja," did violate 8 U.S.C. § 1326(a) and (b) (Deported Alien Found in
18 United States).

19 
20 ROBERT J. ABELLA
21 Deportation Officer
22 Immigration and Customs Enforcement

23 Attested to by the applicant in accordance with the requirements
24 of Fed. R. Crim. P. 4.1 by telephone on August 19, 2020.

23 
24 HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE